

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MICHAEL J. BENSON,

Plaintiff,

v.

MICHAEL J. ASTRUE,
COMMISSIONER
OF SOCIAL SECURITY,

Defendant.

Civil Action No. 08-0628

CONSENT ORDER TO
REMAND PURSUANT TO
SENTENCE 4 OF
42 U.S.C. §405(g)

This matter having been opened to the Court by ANDREW T. BAXTER, Acting United States Attorney for the Northern District of New York, and Dennis J. Canning, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant pursuant to sentence 4 of 42 U.S.C. § 405(g) so that further administrative action may be taken; and Plaintiff, through the undersigned attorney, having consented to the within order and the requested remand, and the Court having considered the matter,

IT IS on this day of , 2009;

ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for further administrative action, and it is further

ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in Melkonyan v. Sullivan, 501 U.S. 89 (1991).

IT IS SO ORDERED.

A handwritten signature in dark ink, appearing to read "Norman A. Mordue".

Norman A. Mordue
Chief Judge


Dated: January 12, 2009

The undersigned hereby consent to the form and entry of the within order.

ANDREW T. BAXTER
Acting United States Attorney

By: /s/ Dennis J. Canning
Dennis J. Canning
Special Assistant U.S. Attorney
Bar No. 513652

JONATHAN P. FOSTER
Attorney at Law

By: 
Jonathan P. Foster, Esq.
Attorney for Plaintiff
Bar No. 21874